

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 604

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joe M Stell

AN ACT

RELATING TO WATER; PROVIDING AUTHORITY FOR STATE ENGINEER  
PRIORITY ADMINISTRATION AND EXPEDITED WATER MARKETING AND  
LEASING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72 NMSA 1978 is  
enacted to read:

" NEW MATERIAL PRIORITY ADMINISTRATION-- EXPEDITED WATER  
MARKETING AND LEASING-- STATE ENGINEER. --

A. The legislature recognizes that the adjudication  
process is slow, the need for water administration is urgent,  
compliance with interstate compacts is imperative and the state  
engineer has authority to administer water allocations in  
accordance with the water right priorities recorded with or  
declared or otherwise available to the state engineer.

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

B. The state engineer shall adopt rules for  
priority administration to ensure that authority is exercised:

(1) so as not to interfere with a future or  
pending adjudication;

(2) so as to create no impairment of water  
rights, other than what is required to enforce priorities; and

(3) so as to create no increased depletions.

C. The state engineer shall adopt rules based on  
the appropriate hydrologic models to promote expedited  
marketing and leasing of water in those areas affected by  
priority administration.

D. Nothing in this section shall affect the partial  
final decree and settlement agreement as may be entered in the  
Carlsbad irrigation district project offer phase of *State of  
New Mexico ex rel. State Engineer v. Lewis, et al.*, Nos. 20294  
and 22600 (N.M. 5th Jud. Dist.). "